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MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, MARCH 2, 2015, 6:30 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901

Present for the Board: Thomas Mills, William Morris, Barry Michelson, and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 6:40 pm. Alternate Ms. Gwozdzowski was seated in the absence of Ms. McManus.

Ms. Gwozdzowski moved to go into an executive session to discuss the status of pending litigation regarding the BLT Boatyard status, seconded by Mr. Michelson and the motion was approved 4:0 (Michelson, Morris, Mills and Gwozdzowski).

At 7:35pm, a motion was made by Mr. Morris, seconded by Ms. Gwozdzowski to come back out of executive session and return to the regular meeting and the motion was approved 4:0 (Michelson, Morris, Mills and Gwozdzowski).

Mr. Mills announced that those individuals participating in the executive session were the Zoning Board members (Michelson, Morris, Mills and Gwozdzowski), David Killeen, Associate Planner and from the City's law department, Corporate Counsel Kathryn Emmett and Attorney Jim Minor.

PUBLIC HEARING

1. **Application 214-33 – HIGH RIDGE REAL ESTATE OWNER, LLC, Text change,** to Amend Article II, Section 3A, Definition 98.1 (Surgery Center/Out Patient) to clarify the term “gross floor area” and that authorization of special exceptions for said use exceeding 15, 000 s.f. rests with the Zoning Board; amend Article III, Section 9, BBB.2 to allow Surgery Center/Out Patient as a permitted use in the C-D District with a limitation of six (6) operating rooms/surgical suites; amend Section 9, BBB.3 to exempt emergency generators not exceeding eight feet in height, setback a minimum of 23 feet from the property line and adequately screened, from the calculation of non-porous surface area coverage, and amend Section 9 BBB.3 to require that emergency generators in the C-D District have a minimum 23 feet setback from the boundary line of a residential district (*continued from February 23, 2015*).
2. **Application 214-34 – HIGH RIDGE REAL ESTATE OWNER, LLC, 0 Turn of River Road, Final Site & Architectural Plans,** Applicant requests approval of Final Site plans for change of use from general office use of 14, 147 s.f. to a Surgery Center/Out Patient facility on the third floor of Building 5 and to install an emergency generator with landscaped screening in a C-D district (*continued from February 23, 2015*).

Mr. Mills reported that he had viewed the video from the last public hearing and that he had no additional questions or comments on the application.

Mr. Mills asked Attorney Ted O'Hanlan if he had anything more to present. Attorney O'Hanlan said that he had no additional information to add. He brought to the Chair's attention that representatives of Stamford Hospital had attempted to submit additional matters into the record earlier on March 2, 2015, but he strenuously objects to having the Zoning Board consider this additional information. Mr. Mills agreed the main purpose of this hearing was to permit the Zoning Board to finalize any questions, especially Mr. Mills himself who was not in attendance at the last hearing. Attorney O'Hanlan asked that the Zoning Board close the hearing. Mr. Mills asked if the Board had any additional questions. There being none, he closed the public hearing on these applications.

3. **Application 214-39 – HOPE ENTERPRISES, LLC, Special Exception and Final Site & Architectural Plans**, construction of a one-story retail building on an existing developed property at 1009 – 1011 Hope Street with 2,844 sf of proposed retail space and 2,629 sf of storage, 28 parking spaces and associated landscaping in a Village Commercial zone.

Mr. Mills opened the Public Hearing on this application and read a description into the record.

Mr. Michelson read the Planning Board memorandum of support dated January 22, 2015 into the record.

Attorney John Leydon spoke on behalf of the applicant. He submitted documentation of the notification of mailings to abutters into the record. He introduced his team: property owner August Lenhart, John Pugliesi, Engineer, Ravi Ahuja, Architect and Mathew Popp, Landscape Architect.

Attorney Leydon reported they had reached out to the Springdale Neighborhood Association and to neighbors of the proposed development. A letter of support was submitted by the neighborhood association and there is no one in opposition to the project to his knowledge. He gave an overview of the project and the site plan, explaining how it would move this property closer to meeting the Village Commercial goals.

Next, Attorney Leydon submitted a materials board to respond to questions in the Staff Report, showing samples of the brick and stone to be used along the façade. The Applicant is now proposing an Azek fascia in place of the EIFS materials shown on the submitted plans.

He showed pictures of the site and its surroundings. Among the pictures was an image of the dumpster on the adjoining property that the Applicant proposes be shared between the two properties. Since the adjoining property is owned by the Applicant, he would be willing to provide an easement for continued use of the dumpster. The Applicant currently plows snow and piles it onsite. When there is too much snow onsite, the owner removes it offsite as necessary. They do not push snow into the public street. Attorney Leydon provided a detail of the proposed

lighting and a cross-section of the proposed concrete wall and the stockade fence along the southern property line. Attorney Leydon stated it would be a typical stockade fence.

Attorney Leydon then submitted a copy of an email from Traffic Engineer, Mani Poola, confirming there was not sufficient space to expand the area to accommodate turning movements in the vicinity of parking spaces 6, 7, 16 and 17. As an alternative, Mr. Poola recommends making these spaces for compact vehicles. Attorney Leydon stated that the Applicant was open to that condition.

Chairman Mills asked about the status of comments from the Engineering Bureau. Mr. John Pugliesi summarized steps they have taken to address concerns in relation to the Certificate of Occupancy but some of the comments cannot be resolved until Spring and some of the comments relate to conditions of the previous site plan which are modified with the current plan. Mr. Pugliesi does not believe Engineering will be able to sign off within the time the subject application is being considered. Mr. Killeen explained that Engineering would have to confirm that the site plan would meet all engineering standards before a building permit could be issued.

Attorney Leydon read a section of the Village Commercial District requirements requiring a review of building designs by an Architectural Review Committee or by a Certified Planner. He stated that Norman Cole, as a member of AICP, is qualified to conduct this review and Mr. Killeen confirmed that was accurate.

Mr. Pugliesi then showed a site plan that highlighted the changes between the approved and current design. He addressed the question about light spilling onto adjacent properties in the Staff Report. The perimeter fences prevent light from spilling onto these properties, and this is an existing condition.

Mr. Ahuja presented an overview of the proposed architecture and noted the proposed Azek would be off-white. Mr. Michelson asked if Azek would work in this location and suggested Hardi Plank. Mr. Ahuja explained that either product comes in panels and could be used here. Mr. Mills questioned the use of the white or off-white materials since Mr. Ahuja reported it would be about five feet tall.

Mr. Mills asked about utilities. Mr. Pugliesi responded that no additional transformers would be required for the proposed development.

Ms. Gwozdzowski asked what type of retail use was envisioned in this building. The owner/Applicant, Mr. Lenhart responded he had been talking to a medical office as a prospective tenant.

Landscape Architect, Matthew Popp, explained the proposed landscaping plan noting that street trees would remain along the front of the two buildings to be located on this site.

Chairman Mills asked if the Board had any additional questions; there were none. Attorney Leydon closed by stating this project would bring Springdale a step closer to achieving the goals of the Village Commercial District.

Chairman Mills closed the hearing on this application. There was a brief recess at 8:30pm and the meeting reconvened at 8:35pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: February 23, 2015

Ms. Gwozdzowski suggested a correction at the bottom of page 4. Mr. Morris moved to approve the minutes as modified with Ms. Gwozdzowski's correction, seconded by Ms. Gwozdzowski and the motion was approved 3:0 (Michelson, Morris and Gwozdzowski; Mills not voting as he wasn't present at the meeting).

PENDING APPLICATIONS:

1. Application 214-24 – TWO YALE & TOWNE, LLC, 115 Towne St

Mr. Killeen circulated a draft resolution to the Zoning Board which had been prepared by the Land Use Bureau Chief and reviewed by the law department. Mr. Killeen read this resolution into the record as follows:

***WHEREAS** Two Yale & Towne, LLC submitted an application to amend the approved final Site and Architectural Plans & Requested Uses and approved Coastal Site Plan Review to allow a 355.5 square foot sign to be erected on the parapet wall of the roof of the residential building referred to as "Y2" and located at 115 Towne Street in the South End Redevelopment District – North (SRD-N) Designed District, and generally described as follows:*

ALL THAT CERTAIN REAL PROPERTY situated in the City of Stamford, County of Fairfield and State of Connecticut, designated and described as Master Unit Y2, in a certain "Declaration of Yale & Towne Planned Community" made under the Common Interest Ownership Act, Chapter 828 of the General Statutes (as it may be amended from time to time), dated August 13, 2008 and filed on the Land Records of the City of Stamford in Volume 9425 at Page 1 (the "Declaration"), as amended from time to time, establishing a plan for Condominium Ownership of said Master Unit and the land upon which the same is located.

***WHEREAS** said application was accompanied by signage design plans prepared by NW Sign Industries dated February 20, 2013 on five sheets, depicting illuminated channel letters, measuring an area of 355.5 square feet (9 feet vertical by 39.5 feet horizontal), to be placed on the rooftop parapet wall above the 15th story of the building facing I-95 (north); and,*

***WHEREAS** the Board conducted a duly called public hearing convened on November 24, 2014; and,*

WHEREAS during the public hearing various other materials were presented by the Applicant in furtherance of the application, including examples of signs approved at Harbor Point (C5 and C6) and a sign approved at 159-163 Franklin Street; and,

WHEREAS the Zoning Board notes the following facts:

1. The Y2 building is a residential building with no commercial component.
2. The address of the Y2 building is 115 Towne Street whereas the text of the proposed sign reads "III HARBOR POINT".
3. The building is not located in the Harbor Point development which is located approximately one-quarter mile to the south in a different zoning district.
4. The Zoning Board has approved no signage higher than the first floor for any other residential building in the Yale & Towne development.
5. The Zoning Board disapproved the identical sign proposal on April 8, 2013, finding it to violate the Design Guidelines for Yale & Towne.
6. On December 1, 2014, the Zoning Board disapproved a similar proposed sign for the top of a high rise residential building in Harbor Point (101 Park), citing it in violation of the Harbor Point Design Guidelines which are similar to those of Yale & Towne.
7. The Applicant cited two examples of rooftop parapet type signs approved by the Zoning Board: The Infinity (C6) in Harbor Point and the Moderne at 159-163 Franklin Street.
8. The Infinity (C6) building is in Harbor Point in the SRD-S Designed District and the sign is located on the north facing façade above the 5th story, announces the name of the building (INFINITY) and is principally visible from Washington Boulevard and Atlantic Street a distance in excess of 600 feet.
9. The building at 159-163 Franklin Street is located in the Mixed Use Development (MXD) Designed District, with a simple numerical standard for wall signs (2 square feet per foot of façade length) and no Design Guidelines or other standards governing location of signage on a façade.
10. The SRD-N zoning district is a special designed district adopted pursuant to Section C6-40-13 of the Stamford Charter and as authorized by Special Acts of the General Assembly as enumerated in Article I, Section 1 of the Stamford Zoning Regulations.

WHEREAS the signage standards of the SRD-N Designed District read as follows:

"Signage shall comply with the standards of the C-N Zoning District except as modified and adopted by the Zoning Board in the SRD-N design guidelines, provided that a wall sign may be mounted above the established roof line on a parapet façade so long as said sign does not extend above the parapet facade."

WHEREAS the Design Guidelines for the SRD-N Designed District address residential signage as follows:

“Residential and Professional: Only signs providing information necessary for the identity of the uses and easy way finding of the public are encouraged.”

WHEREAS Section 7-T-10(e) of the Coastal Area Management Regulations provides for the following exemption:

“Construction of new or modification of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined in C.G.S. Section 22a-93 (7) or restrict access along a public beach.”

WHEREAS Section 22a-93 of the Connecticut General Statutes defines the term “adverse impacts on coastal resources” to include “degrading visual quality through significant alteration of the natural features of vistas and viewpoints...”

WHEREAS the Zoning Board makes the following special findings:

1. *The height and orientation of the proposed rooftop parapet sign does not promote easy way finding of the walking, biking or driving public attempting to find the building, and therefore violates the SRD-N Design Guidelines;*
2. *The height and size of the sign exceeds that necessary to identify the building, and therefore violates the SRD-N Design Guidelines;*
3. *The proposed naming of the building (III HARBOR POINT) is misleading and confusing and does not promote easy way finding to the public. No other building within the Yale & Towne development refers to “Harbor Point”.*
4. *The height of the sign is not consistent with the Design Guidelines emphasis on pedestrian orientation and the goal of “a hierarchy of new, pedestrian scale streets, lined by active uses and smaller scaled urban parks...”*
5. *The proposed sign does not constitute a minor modification of the building and is not a minor structure due to its height, size, orientation and illumination, and is therefore not exempt from Coastal Site Plan Review approval.*
6. *The height, size, orientation and illumination of the proposed sign will be highly visible from I-95 and will degrade the natural character and visual quality of significant public views and vistas of the coastline, and therefore will have an unacceptable adverse impact on coastal resources.*

NOW THEREFORE BE IT RESOLVED that the Zoning Board disapproves the Applicant’s request for Site and Architectural Plan & Requested Uses approval and Coastal Site Plan Review approval for a 355.5 square foot sign to be erected on the parapet wall of the roof of the residential building referred to as “Y2” and located at 115 Towne Street.

After a brief discussion, a motion was made by Mr. Morris, seconded by Mr. Michelson to accept the proposed resolution to disapprove this application. The motion carried 4:0 and this

application was disapproved unanimously (Michelson, Morris, Mills and Gwozdzowski voting to disapprove).

2. Application 214-33 – HIGH RIDGE REAL ESTATE OWNER, LLC, Text change
3. Application 214-34 – HIGH RIDGE REAL ESTATE OWNER, LLC, 0 Turn of River Road, Final Site & Architectural Plans

No action was taken on these application. The Applicant requested that there be a full complement of Zoning Board members present to act on this application.

4. Application 214-39 – HOPE ENTERPRISES, LLC, Special Exception and Final Site & Architectural Plans

Chairman Mills asked if the Board Members had initial observations on this application that could guide Staff in drafting conditions for this application.

Mr. Morris asked that the Applicant mark parking spaced #6, 7, 16 and 17 as compact spaces per the recommendation of the Traffic Engineer. He also suggested that the Applicant provide an easement for the offsite dumpster and submit a trash removal and snow removal plan.

Chairman Mills commented that he was concerned about the starkness of the proposed white fascia along the top of the building and suggested the Applicant work on alternative treatments to introduce additional color and contrast, including sign details. He asked that a rendering be provided, subject to Zoning Board approval.

Mr. Mills then asked about how to address the conditions for Engineering approval and stated he didn't want the existing Certificate of Occupancy to hold the project up. He asked if this effects the assessment of the property.

OLD BUSINESS

APPL. 208-06, Modification - THREE HARBOR POINT SQUARE, LLC to modify the approved Coastal Site Plan and final architectural and site plans for a hotel/residential building identified on the Harbor Point General Development Plan as "Block S3" and originally approved by the Zoning Board on June 2, 2008 (Appl. 208-06). Proposed changes include redesign of the hotel/residential building to increase the height from thirteen stories to twenty stories, and redesign of ground floor restaurants to include two restaurant buildings detached from the hotel/residential building and addition of a second lobby entrance for automobile drop-off (*administrative review of Condition #3*).

Mr. Killeen reported that Mr. Cole had wanted the Board to be cautious in granting an extension for construction of the restaurants without any Land Use Bureau control. He suggested having the time extended until the issuance of a permit (building or Certificate of Occupancy) on a future building within this development or requiring restaurant space to be provided elsewhere within the Harbor Pointe development. The Zoning Board members were not comfortable with those solutions. Since the Applicant was not present at the time of this discussion, the Zoning Board asked that this item be kept on the agenda for the next meeting.

A motion was made by Mr. Michelson, seconded by Ms. Gwozdzowski to waive the rules to add an item to the agenda to discuss Application #214-37, and the motion was approved 4:0 (Michelson, Morris, Mills and Gwozdzowski).

Application 214-37 – HUBBARD MANSION, LLC, 111 West North Street, Special Exception, Final Site & Architectural Plans, requesting approval of Special Exception and Final Site and Architectural Plans to reuse a nonconforming 3-story, 24,000 sf building and 1,800 sf outbuilding to provide educational services and student housing while preserving historic elements without creating additional floor area.

Richard Redniss, representing the Applicant, presented a letter outlining a revision to the approved site plan to allow the Beacon School to occupy a portion of this building. Mr. Redniss submitted floor plans indicating the portions of the building that would be occupied by the school, to occupy approximately half of one floor illustrated on Sheet A-3 of the plans.

A motion was made by Mr. Morris, seconded by Mr. Michelson to approve the revisions to the approved site plan as outlined in Mr. Redniss' correspondence of March 2, 2015 and as presented to the Zoning Board, and the motion was approved 4:0 (Michelson, Morris, Mills and Gwozdzowski).

NEW BUSINESS

Chairman Mills reported that he had received from the Land Use Bureau Chief an outline of the proposed contract for the peer review of Applications #215-02, 215-03, 215-04, 215-05, 215-06 and 215-07, as a "replacement boatyard" for the 14-acre parcel on the South End that used to be occupied by Yacht Haven.

After some discussion the Zoning Board agreed:

- 1) It was in the best interest of the City to forward that draft contract/RFP to the Planning Board, Harbor Management Commission, and the CT DEEP Office of the Long Island Sound Programs to solicit their input to assure that all questions are answered before the City enters into the agreement with the consultant.
- 2) The Zoning Board would not schedule a public hearing on these pending applications until the consultant's peer review/report has been received.

ADJOURNMENT

There being no further business, a motion was made by Mr. Michelson and seconded by Ms. Gwozdzowski to adjourn the meeting at 9:05pm, and the motion was approved 4:0 (Michelson, Morris, Mills and Gwozdzowski).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board